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ABSTRACT

Information about two possible actions as followups to school choice is provided in this paper, with attention to the concepts of teachers in private practice and charter schools. The movement of teachers in private practice involves educators as entrepreneurs who contract with school districts. Benefits include a high degree of accountability and lower district costs. Problems for teachers involve determining their expertise, financial planning, and lack of a teacher support system. A Minnesota charter school bill, legislated in 1991, is described next. The charter establishes provisions for the organization and funding, authorization, and implementation of charter schools. Components of charter school contracts are also outlined, such as purpose and outcomes, admission policies and procedures, administrative duties, legal compliance with student requirements and financial audits, length of the school year and contract, and insurance coverage. The proposed Durenberger-Lieberman amendment to the Neighborhood Schools Improvement Act in the United States Senate is briefly described. (11 references) (LMI)

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WHAT FOLLOWS SCHOOL CHOICE:
TEACHERS AS ENTREPRENEURS AND CHARTER SCHOOLS?

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WHAT FOLLOWS SCHOOL CHOICE:
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Introduction

School choice is a reality in many states in the United States. Minnesota took the lead with the first legislated state-wide plan followed closely by Nebraska, Iowa, and Arkansas with similar laws. Ohio, Utah, Idaho, and Washington have different plans as do some other states. The concept of parents and students as consumers of education has become public policy. Parents are given a substantive role in the decision-making process. They can choose learning environments which match the educational needs of their child (Randall, 1990).

What Follows Choice

What follows choice? or what must accompany choice? This paper provides information about two ideas and possible actions. These radical ideas will bring great change. One is the concept of teachers in private practice, teachers who want to work as entrepreneurs rather than employees. Educators who contract with school districts become far more accountable for excellent results. If their performance doesn't measure up, the district does not renew the contract. Private practice teachers could be invaluable to districts which want to be responsive to individual parents and to students who have special needs.

The American Association of Educators in Private Practice was formed as a non-profit association on June 16, 1990, to service the growing numbers of teachers and other educational personnel who wish to work as private business persons (New Organization, 1990).

The second radical idea is the concept of starting new and different public schools. The states would withdraw the local districts' exclusive franchise to own and operate public schools. Enterprising people, including teachers and other educators,

could start new innovative public schools. Students and their parents would have choice not only among schools and school districts in the present public system but in a ***new system*** of public education (Kolderie, 1990).

Educators Advocate Private Practice Option

Educators who have joined the American Association of Educators in Private Practice (AAEPP) are united in advocating a real option for teachers to form private practices for the purpose of contracting instruction to school districts and other clients. The private practice option for educators is an idea whose growth will occur in small incremental steps of experience and understanding. It will take various forms--sole practitioner educator, partnerships of teachers, educational service corporations, educational cooperatives and charter schools formed by teachers (Enterprising Educators, February 1992).

Teacher Private Practices in a Public School Setting

In a 1987 publication Ruth Anne Olson wrote about "a major limitation placed on teachers as professionals compared to all other professions." She sad architects, lawyers, nurses and engineers could be employed by other organizations, join other colleagues in private practice, or work for themselves in private practice. Teachers have to leave classroom teaching to have this choice (Olson, 1987; Yelich, 1991).

Possibilities for private practice include the following:

1. provide instruction for students;
2. teach teachers;
3. develop curriculum;
4. work entirely in schools or partly for other entities;
5. teach single subject or subject area;
6. teach single or multiple grade levels;
7. work as individuals or groups of teachers; and
8. work as teachers and other professionals (Olson, 1987; Yelich, 1991).

Private practice is attractive for teachers because it gives them autonomy while being accountable, enhances collegial relationships and may (or may not) increase their earnings (Olson, 1987; Yelich, 1991).

Benefits of Private Practice to School Districts

Since teachers have a high degree of accountability when they are operating a private practice the district is assured of learning by students. Instructional offerings can be expanded if the teacher entrepreneurs have expertise not found on the salaried faculty. If the course offering is not wanted in succeeding years the contract does not have to be renewed. District costs may be lower if teacher development efforts are spread over several districts (Olson, 1987; Yelich, 1991).

Problems in Private Practice

Problems for teachers include determining their expertise in curriculum and instruction, knowing how to spend income on materials, equipment, professional development activities, salaries, and retirement plan. Private practice teachers also need a support system and must know how to deal with psychological and financial risk (Olson, 1987; Yelich, 1991).

School administrators must know the needs of their students and whether a teacher entrepreneur offers the instruction which will meet those needs. They must learn how to monitor private practice contracts (Olson, 1987; Yelich, 1991).

Barriers to Private Practice

Dissemination of information about private practice has been limited. In some cases neither teachers nor administrators are aware of the possibility. When they do design a program of working together they must deal with such issues as contract language and liability insurance (Olson, 1987; Yelich, 1991).

Administrators must also deal with the idea of teachers as entrepreneurs. Some believe the unions will be a threat; others think it may be privatization to which they are opposed (Olson, 1987; Yelich, 1991).

Administrators must assess the effects of teacher entrepreneurs as opportunities for students, opportunities for teachers, and opportunities for themselves (Olson, 1987; Yelich, 1991).

Future of Private Practice in Public Schools

Private practice is an option for attracting teachers who seek autonomy, want accountability and accept risks. These teacher entrepreneurs will need support and encouragement. Administrators must have organizational latitude to determine how best to choose instructors for the students in their schools or district (Olson, 1987; Yelich, 1991).

Summary

The teacher in private practice movement is in its infancy. A nucleus group has been formed around the country which has a vision of growth over the next decade (Brown, 1992).

Charter Schools

When the charter school bill was being debated in the Minnesota Legislature these four reasons were given as the need for this public policy (Wedl, 1991).

First, the bill is consistent with the current direction regarding outcome based education and parent choice. Since children and youth do not learn alike and have different needs and aspirations it is necessary to have different models. Parents can select the model which best meets the needs of the child and family.

Second, the bill is a teacher empowerment bill. Teachers can manage the program if they so choose. Teachers are given a new opportunity, with little risk, because the district in which they are currently teaching must grant them a leave if they want to obtain a charter or teach in a charter school.

Third, the bill has student learning at the center. The learner outcomes drive the entire system from obtaining a charter to continuing the charter based on performance. The outcomes achieved by learners become the accountability.

Fourth, mission and revenue restrictions deter present schools similar to charter schools. The mission is for at-risk students only in most contract schools and only 85% of the general education revenue and no capital or compensatory revenue flows to them (Wedl, 1991).

Outcome-based Charter Schools

The outcome-based charter schools bill allows Minnesota teachers, with innovative ideas to improve learning, to form and operate an independent public school. In order to provide real choice for learners, genuine differences in philosophy, methods, and structure are necessary. The 1991 Minnesota Legislature provides a means for teachers to demonstrate new models of education unrestrained by many statutes and rules governing local school districts (Outcome-based charter).

Purpose

The purpose of charter schools is to:

1. improve individual learning;
2. increase learning opportunities;
3. use different and innovative teaching methods;
4. measure learning outcome using different and innovative forms of measurement;
5. establish new forms of accountability for schools;
6. create new professional opportunities for teachers, including the opportunity to be responsible for a learning program at the school site (Outcome Based Charter).

Organization and Funding

Each charter school is in charge of its own destiny. A school is to be organized and operated as a cooperative or a nonprofit organization, offering a nonsectarian educational program. The school's board of directors will determine all aspects of the learner-centered, results-oriented educational program and be responsible for its

management and administration. General education revenue, capital expenditure equipment revenue, special education aid, and other aid, grants and revenue for which no levy is required, will flow directly from the state to the charter schools (Outcome-based Charter).

Board of Directors

A board of directors will be elected by parents of students enrolled and the staff employed by a school. Teachers employed by the school must make up the majority of members on the board. The board of directors is responsible for hiring and dismissing staff, budgeting, contracting for services, curriculum, and other operating procedures. The board of directors can sue and be sued, but may not levy taxes or issue bonds (Outcome-based Charter).

Admission Requirements

A charter school may determine the age or grade levels to be served by the school, the philosophical approach, the focus of curriculum, the teaching/learning methods, and may target a specific population. The school must accept an eligible learner who submits a timely application as long as there is space available (Outcome-based Charter).

Getting Authorization to Become a Charter School

In 1991 the Minnesota Legislature enacted a law that permits the creating of up to eight charter schools in the state. A local public school board may authorize one or more licensed teachers to form and operate an outcome-based school after receiving approval from the State Board of Education. A school board can authorize a maximum of two charter schools. Teachers may seek sponsorship outside the district in which the school will be located (Outcome-based Charter).

Sponsorship and Authorization

The group of teachers and others interested in forming a charter school must write a 3-5 page letter of intent to the prospective sponsoring district school board.

This letter of intent should include: a description of the program which carries out one or more of the purposes in the legislation; the age/grade levels of the student body and length of school year; an overview of the learning outcomes and how they will be measured; the plan for managing and administering the school, methods to be used for financial and student accounting; and the types and amount of insurance coverage.

When the school board decides to support the charter school, a notarized letter indicating the terms and conditions under which it would sponsor the school and a copy of the signed minutes of the school board meeting in which the approval was given are sent with the school's letter of intent to the State Board of Education for approval. Approval authorizes the school board to enter into a contract with the board of directors of the charter school. A school board may not authorize the formation of a charter school without State Board approval (Outcome-based Charter).

Creating the School

Persons forming a charter school must be or become a cooperative or non-profit corporation under the laws of Minnesota. A provisional or temporary board of directors may act until such time as the by-laws of the organization indicate the procedure for electing the permanent board of directors. The temporary board has the authority to write the contract, hire the staff, and perform other duties necessary to establish the school.

The sponsoring school board may authorize an approved school before the applicant has secured its space, equipment, facilities, and personnel if authority is necessary to raise working capital.

A school district must accept a teacher's written request for an extended leave of absence to teach in a charter school. Further extensions must be granted. Teachers

may continue to aggregate benefits and credits in the teachers' retirement association by paying both the employer and employee contributions (Outcome-based Charter).

Preparing Contracts

The Minnesota Department of Education issued a bulletin in December 1991 giving suggestions for preparing a contract between the outcome-based school and the sponsoring local school board. The bulletin listed components needed in the contract and added an explanation of each component for clarity. The following information on the components is taken from the bulletin.

Component 1

Purpose: A description of the program that supports one or more of the following purposes:

- to improve individual learning;
- to increase learning opportunities for learners;
- to use different and innovative teaching methods;
- to create different and innovative forms of measuring;
- to establish new forms of accountability for schools; or
- to create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.

Specific Outcome: The contract must include specific outcomes students are to achieve. The program must be designed to at least meet the learner outcomes adopted by the State Board of Education and meet any additional outcomes chosen to be included in the contract.

The achievement levels of the learner outcomes contained in this contract may exceed the achievement levels of any outcomes adopted by the State Board.

Explanation of Component 1

For your information:

In an outcome-based system:

- what an individual is to learn is clearly identified;
- each learner's progress is based on the individual's demonstrated achievement;
- each learner's needs are accommodated through multiple instructional strategies and assessment tools; and
- each learner is provided time and assistance to realize his or her potential.

The school is to provide a comprehensive program of instruction that is pupil-centered and results-oriented.

Component 2

Admission Policies and Procedures: Define the policies and procedures the school will use for accepting students:

Explanation of Component 2

For your information:

By law the school may limit admission to

- individuals within an age group or grade level;
- individuals eligible to participate in the high school graduation incentives program (section 126.22);
- learners who have a specific affinity for the school's:
  * teaching methods;
  * learning philosophy; or
  * subject matter focus (such as math, science, fine arts, communication, or foreign language); or

- individuals who live in a specific geographic area, *if* the percentage of the population of non-Caucasian people in that geographic care is greater then the percentage of the non-Caucasian population in the congressional district in which that geographic area is located. The school must reflect the racial and ethnic diversity of the specific area.

The school must enroll an eligible pupil who submits a timely application, unless the number of applications exceeds the capacity of a program, class,grade level, or building. In this case, pupils are to be accepted by lot.

The school may not limit admission to pupils on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability. The school must comply with all state and federal rules and regulations relating to the education of handicapped pupils.

Component 3

For your information:

Administrative duties generally include such responsibilities as:

- business and physical affairs;
- student affairs;
- curriculum and staff supervision;
- staff development; and
- school/community relations.

Component 4

Program and Financial Audits: Provide statement(s) that indicate the requirements for program and financial audits of the school will be met.

Explanation of Component 4

For your information:

Requirements stated in the law include:

- to organize and operate as a cooperative or a nonprofit corporation under Minnesota laws;
- to be located in Minnesota, location may be outside the sponsoring district;
- to abide by the same child health and safety requirements as a school district;
- to provide ***nonsectarian*** programs, admission policies, employment practices, and all other operations;
- to provide a primary focus on a comprehensive program of instruction for at least one grade or age group from five through eighteen years of age; instruction may be provided to people younger then fiver and older then eighteen years of age;
- to charge no tuition;
- to comply with all human rights laws and laws governing non-discrimination in athletics (Chapter 363 and sections 126.21);
- to comply with statutes (sections 120.03 and 120.17) and rules relating to the education of handicapped individuals;
- to comply with the pupil fair dismissal act (sections 127.26 to 127.39) and the public fee law (sections 120.71 to 120.76);
- to comply with the same financial audits, audit procedures, and audit requirements as a school district (sections 121.901 to 121.917) except when deviations are necessary because of the program of the school; (the program,

financial and compliance audits can be conducted by the Department of Education, the State Auditor, or Legislative Auditor); and

- to be liable for any wrong, injury, or damage for which a civil suit can be brought, or any infringement on civil or private rights (Chapter 466).

An outcome-based school is exempt from all statutes and rules that apply to school boards and school districts, except for those listed in Section 120.064 (the outcome-based schools legislation), unless the school's board of directors elects to comply with one or more statutes or laws.

Component 5

Length of School Year: Indicate the length of school year.

Explanation of Component 5

For your information:

An outcome-based charter school must provide instruction each year for at least 170 days for students aged 7-16 (section 120.101 sbd. 5). The school has the option to provide instruction throughout the year (sections 120.59 to 120.67 or 121.585).

Component 6

Insurance Coverage: List the types and amounts of insurance coverage to be obtained by the school.

Component 7

Term of Contract: State the length of time the contract is in effect.

Explanation of Component 7

For your information:

The contract may be valid for up to three years.

Other components to consider which are not required in the contract are:

Board of Directors: The process must ensure:

- that licensed teachers employed at the school make up a majority of the membership on the board of directors and

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- that all staff members employed at the school and all parents of children enrolled in the school may participate in the election.

Explanation of Optional Component

For your information:

The role of the school's board of directors is to decide matters related to the operation of the school, including:

- hiring and firing teachers and other necessary employees;
- contracting for services;
- budgeting;
- curriculum; and
- operating procedures.

The Board of Directors of the charter school may sue and be sued. The Board of Directors may not levy taxes or issue bonds.

The Board of Directors of the charter school may have an advisory board and other committees to provide information and make recommendations.

Durenberger-Lieberman Amendment to S.2

On January 17, 1992, Senator David Durenberger of Minnesota and Senator Joseph Lieberman of Connecticut offered an amendment to S.2, the Neighborhood Schools Improvement Act in the United States Senate. The amendment would provide start-up assistance to new chartered public schools. The senators believed that since the charter schools would be started by teachers, non-profit groups, or groups of parents that they would need resources to do planning, curriculum development, buy equipment, and do small scale remodeling of facilities to meet safety and fire codes.

In their letter to fellow senators, Senator Durenberger and Senator Lieberman wrote "let there be no doubt, chartered public schools are public schools. They must abide by the First Amendment's separation of church and state, they must not

discriminate on any basis, they must accept all students who choose to attend or hold a lottery if all students cannot be accommodated, and they must meet the same educational outcome requirements placed on all public schools in their state" (Durenberger, Lieberman letter).

Summary

The charter school movement is generating interest across the country. Legislation in Minnesota and the United States Senate has turned a vision into reality.

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